

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1350694-0

Total Deleted Page(s) = 31

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X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

UNITED STATES GOVERNMENT

Memorandum

TO : SAC CLEVELAND

DATE: 4/12/75

FROM : CLERK [REDACTED]

SUBJECT: U.S. CONGRESSMAN LATTA,
INFORMATION CONCERNING

This is to record that at 7:30 a.m., instant date, a U.S. CONGRESSMAN LATTA, 516 Hillcrest Dr., Bowling Greene, Ohio, telephone # 352-8627, telephonically contacted this office and furnished the following information:

The caller advised that he received a telephone call from a [REDACTED] home phone # [REDACTED] that a group of truckers, 20-25 truckers, are hauling merchandize from Detroit, Michigan and that their shipments are being interferred with. The caller advised that there may be some violence becuase the truckers are mad that they are be interferred with.

The caller advised that he would like to speak to an agent from the Toledo, Ohio Ra around 12:30 pm.- 3:30 p.m., instant date. The caller advised that the FBI should call [REDACTED] to get further information from him, regarding this matter.

(1)
JDB/jb

as of 4/23/75

[REDACTED]

[REDACTED]

[Signature]

62-2373-1

~~62-0-21244~~

SEARCHED	INDEXED
SERIALIZED	FILED
APR 12 1975	
FBI - CLEVELAND	



5010-110

Credit given
SKA
Bussan advised
advised
U.S. Savings Bonds Regularly on the Payroll Savings

F B I

Date: 4-15-75

PLAINTEXT

Transmit the following in _____
(Type in plaintext or code)Via TELECOPIER NITEL
(Priority)

TO DIRECTOR, FBI
FROM CLEVELAND (62-~~1050~~)(P)
CONGRESSMAN DELBERT L. LATTA, FIFTH DISTRICT OF OHIO,
MISCELLANEOUS INFORMATION CONCERNING

ON APRIL 12, 1975, CONGRESSMAN DELBERT L. LATTA, RESIDENCE
BOWLING GREEN, OHIO, ADVISED THAT ABOUT ONE WEEK AGO, A MATTER
WAS BROUGHT TO HIS ATTENTION BY [REDACTED]

WITH REGARD TO ALLEGED UNFAIR LABOR PRACTICES ON THE PART OF
[REDACTED] EMPLOYER, [REDACTED]

[REDACTED] SPOKE WITH HIM ON THE TELEPHONE AND LATER VISITED HIS
HOUSE WITH A WRITTEN REPORT OF HIS GRIEVANCES. LATTA STATED
THE MATTER APPEARED TO WARRANT FILING A COMPLAINT WITH NLRB, AND
TOLD [REDACTED] HE WOULD HANDLE THIS. LATTA HAS RECEIVED SEVERAL
TELEPHONE CALLS FROM [REDACTED] WHEREIN [REDACTED] INDICATED DIS-
SATISFACTION WITH PROGRESS BEING MADE IN THIS MATTER AND
STATED HE WOULD TAKE MATTERS INTO HIS OWN HANDS. [REDACTED] WAS
VERY HOSTILE AND ANTAGONISTIC, WHICH CAUSED SOME ALARM TO
LATTA. [REDACTED] MADE NO THREATS; HOWEVER, LATTA FEELS HE MIGHT
BE VIOLENCE PRONE AND FELT MATTER SHOULD BE BROUGHT TO THE
ATTENTION OF THE FBI. Searched [REDACTED] Serialized [REDACTED] Indexed [REDACTED]

LHP:nrb

(1)

Approved: [REDACTED]

Special Agent in Charge

Sent

7:25 P

M

Per

GPO : 1970 O - 402-735

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b7cb6
b7c

62-2373-2

62-21244A

F B I

Date: 4-22-75 005

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE URGENT
(Priority)

TO DIRECTOR, FBI
FROM CLEVELAND (62-2373) (P)
CONGRESSMAN DELBERT L. LATTI, FIFTH DISTRICT OF OHIO, BOWLING
GREEN, OHIO; MISCELLANEOUS INFORMATION CONCERNING
RE CLEVELAND TELETYPE TO BUREAU, APRIL 15, 1975.
REFERENCED TELETYPE REFLECTS BASIS OF CONTACT WITH

[REDACTED] APRIL 14, 1975 BY SA'S

[REDACTED] AND [REDACTED]

ON APRIL 22, 1975, SA'S [REDACTED] WERE SERVED WITH
A SUMMONS FROM USDC, NDO, WESTERN DIVISION, TOLEDO, OHIO,
REQUIRING THEY ANSWER THE COMPLAINT OF PLAINTIFF [REDACTED]
[REDACTED] FILED BY HIS COUNSEL, TED IORIO, TOLEDO, OHIO. CO-
DEFENDENTS IN THIS ACTION ARE CONGRESSMAN DELBERT LATTI AND
THE U.S. GOVERNMENT.

PLAINTIFF, IN ESSENCE, ALLEGES HIS RIGHTS UNDER FIRST
AND FOURTEENTH AMENDMENTS HAVE BEEN INTERFERED WITH IN THAT
CONGRESSMAN LATTI'S ACTIONS IN UTILIZING THE FBI WERE MEANT
TO CURTAIL [REDACTED] RIGHT TO PETITION THE GOVERNMENT. [REDACTED]
CLAIMS THAT AT NO TIME DID HE THREATEN OR PUT UNDUE PRESSURE
ON CONGRESSMAN LATTI AND THAT CONGRESSMAN LATTI'S UTILIZATION
OF THE FBI IS MEANT TO HARASS [REDACTED] IS SEEKING

LHP:nrb
(1)

Approved: [Signature]

Special Agent in Charge

Sent 8:55 PM

M

Per [Signature]

U.S. Government Printing Office: 1972-455-574-1

62-2373-3

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b7Cb6
b7Cb6
b7Cb6
b7CSearched
Serialized
Indexed
Filed

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO CV 62-2373

DAMAGES TOTALING \$115,000.

AUSA [REDACTED] TOLEDO, OHIO, ON BEHALF OF THE
U.S. GOVERNMENT, ALSO RECEIVED A COPY OF COMPLAINT AND SUMMONS
APRIL 22, 1975 AND HAS NOTIFIED THE DEPARTMENT AND CONTEMPLATES
PREPARING A TIMELY ANSWER IN RESPONSE TO THIS COMPLAINT
DENYING ALL ALLEGATIONS.

BY SEPARATE COMMUNICATION, THREE COPIES OF THE
SUMMONS AND COMPLAINT ARE BEING FORWARDED THE BUREAU.
END

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Approved: _____ Sent _____ M Per _____
Special Agent in Charge

4-24-75

AIRTEL

TO: DIRECTOR, FBI

FROM: SAC, CLEVELAND (62-2373) (P)

DELBERT L. LATTA,
Congressman, 5th District of Ohio,
Bowling Green, Ohio
MISCELLANEOUS - INFORMATION CONCERNING

Re Cleveland nitels to Bureau, 4-15-75 and 4-22-75.

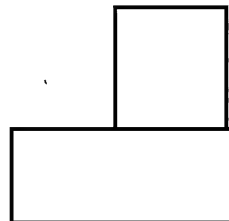
Forwarded herewith are three copies each of
Complaint and Summons pertaining to action filed in U.S.
District Court, Toledo, Ohio, 4-22-75, by plaintiff, [redacted] b6
[redacted] against Congressman LATTA and Special Agents b7C
[redacted] and [redacted]

The Bureau will be kept informed of the develop-
ments in this matter.

3 - Bureau (Enc. 6) (RM)
2 - Cleveland

LHP:nrb
(5)

Searches
Serialized
Indexed
Filed



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4-24-75

AIRTEL

TO: DIRECTOR, FBI
ATTENTION: OFFICE OF LEGAL COUNSEL
FROM: SAC, CLEVELAND (62-2373) (P)

"CHANGED"

[redacted] plaintiff, vs
DELBERT LATTA, individually and
in his official capacity as
U.S. Congressman;

[redacted] individually and
in his official capacity as an
Agent for the Federal Bureau
of Investigation;

[redacted] individually and
in his official capacity as an
Agent for the Federal Bureau
of Investigation, and
U.S. OF AMERICA;

Northern District of Ohio,
Western Division,
Docket Number C75-166
CIVIL SUIT

OO: CLEVELAND

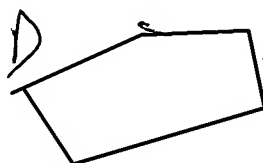
Title is marked changed to reflect the case
caption as filed by plaintiff in the USDC, Western Division,
Northern District of Ohio, Toledo, Ohio.

Re Cleveland airtel to Bureau, 4-24-75, captioned
"DELBERT L. LATTA, Congressman, 5th District of Ohio, Bowling
Green, Ohio; MISCELLANEOUS - INFORMATION CONCERNING."

2 - Bureau
(2 - Cleveland)

TRM:nrb
(4)

Searched _____
Serialized _____
Indexed _____
Filed _____



APR 25 1975

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62-2373-5

(Mount Clipping in Space Below)

Harassment Laid To Latta

Trucker's Suit Says FBI Inquiry Ordered

A Paulding County truck driver is contending in a lawsuit filed in U.S. District Court here that U.S. Rep. Delbert Latta (R., Bowling Green) harassed him by asking the FBI to investigate him.

William S. Jordan, of Rd. 1, Cecil, O., is seeking \$115,000 damages and court order for Mr. Latta to refrain from asking for an FBI investigation of him as a result of Mr. Jordan's complaints to Mr. Latta about a labor grievance.

The truck driver claims that Mr. Latta asked for the investigation after Mr. Jordan told the congressman that he was not satisfied with the help he was given and would not vote for Mr. Latta again.

Mr. Latta contends that he asked the FBI to investigate Mr. Jordan because the truck driver might go to his employer, Central Transport Co., of Detroit, and "cause trouble."

The case has been assigned to Judge Don J. Young.

(Indicate page, name of newspaper, city and state.)

PAGE 12

Date: 4/26/75

Edition:

Author:

Editor:

Title: "THE BLADE"
TOLEDO, OHIO

Character:

or

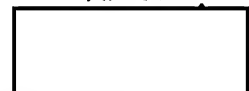
Classification: 62-2373

Submitting Office:

☒ Being Investigated

62-2373-6
SEARCHED
SERIAL

APR 30 1975



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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cleveland, Ohio

May 6, 1975

[redacted] plaintiff, vs
DELBERT LATTA, individually and
in his official capacity as
U.S. Congressman;
[redacted] individually and
in his official capacity as an
Agent for the Federal Bureau
of Investigation;
[redacted], individually and
in his official capacity as an
Agent for the Federal Bureau
of Investigation, and
U.S. OF AMERICA;
Northern District of Ohio,
Western Division,
Docket Number C75-166

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On April 12, 1975, United States Congressman DELBERT L. LATTA, 516 Hillcrest Drive, Bowling Green, Ohio, contacted the Toledo Resident Agency of the FBI and stated he had been in contact since April 4, 1975 on several occasions, with one

[redacted] Mr. LATTA stated that [redacted]

[redacted] requested that Mr. LATTA intercede in his behalf. [redacted] arose when, because of economics, [redacted]

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[redacted] Congressman LATTA stated he was contacted on several occasions by [redacted] who wanted immediate action and became, in his opinion, hostile and antagonistic, threatening to take matters into his own hands when immediate action was not received. In view of his opinion that [redacted] may become violent, Congressman LATTA contacted the FBI on April 12, 1975.

3-Bureau
②-Cleveland (62-2373)

TRM:nrb

(5)

nrb



TRM

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62-2373-17

[redacted] plaintiff, vs
DELBERT LATTA, individually and
in his official capacity as
U.S. Congressman;
ET AL;

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On April 14, 1975, [redacted] was interviewed
by Special Agents [redacted] and [redacted] of the
Toledo Resident Agency of the FBI at [redacted] home in [redacted]
[redacted] at which time [redacted] was asked about threats of violence
and the nature of his contacts with Congressman LATTA. At
this time, [redacted] stated he probably was unduly forceful and
he did make some unfair statements and accusations because
of his "state of desperation."

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The next development in this matter was the receipt
on April 22, 1975 by Agents [redacted] and [redacted]
of a summons and complaint filed by [redacted] through his
attorney, [redacted] of Toledo, Ohio, in the United States
District Court, Toledo, Ohio, asking for damages totaling
\$115,000.

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This suit charges that Congressman LATTA, Agents
[redacted] and [redacted] together, acted to deny
him his rights under the First and Fourteenth Amendments to
petition his government; further, that Congressman LATTA
utilized the FBI to harass him and to deny him the right to
petition his government. [redacted] further prays for a Declaratory
Judgement that the FBI's contact with him was a violation
of his rights and further, asks for a injunction requiring the
FBI to expunge any and all records pertaining to [redacted] as a
result of LATTA's charges and further, enjoining Agents
[redacted] and [redacted] from harassing him because
of his right to petition the government and because of this
law suit.

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[redacted] further asks for a writ of mandamus against
Congressman LATTA compelling Mr. LATTA to "carry out and
perform his functions as a U.S. Congressman in the manner
so as not to deny Plaintiff his right to petition government."
[redacted] also asks the court in his suit to order Congressman

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[redacted] plaintiff, vs
DELBERT LATTA individually and
in his official capacity as
U.S. Congressman;
ET AL

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LATTA "to refrain from filing charges with the FBI regarding Plaintiff because Plaintiff seeks to petition government through Defendant LATTA."

As [redacted] has made the U.S. Government a co-defendant in this matter, and as Agents [redacted] and [redacted] are being sued individually and in their capacity as Agents of the FBI, the Attorney General of the United States has been requested to defend these two Agents in this suit.

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This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

5-6-75

TO: DIRECTOR, FBI
ATTENTION: OFFICE OF LEGAL COUNSEL

FROM: SAC, CLEVELAND (62-2373) (P)

[redacted] vs
DELBERT LATTA, individually and
in his official capacity as
U.S. Congressman;
[redacted], individually and
in his official capacity as an
Agent for the Federal Bureau
of Investigation;
[redacted] individually and
in his official capacity as an
Agent for the Federal Bureau
of Investigation, and
U.S. OF AMERICA;
Northern District of Ohio,
Western Division,
Docket Number C75-166
CIVIL SUIT

OO: CLEVELAND

Re Cleveland airtel to Bureau, 4-24-75.

Enclosed for the Bureau are three copies of an LHM,
summarizing this matter. Also enclosed for the Bureau are three
copies each of letters directed to the Attorney General by
SA's [redacted] and [redacted] dated 4-25-75.

2 - Bureau (Enc. 9) (RM)
2 - Cleveland

TRM:nrb
(4)

Searched _____
Serialized _____
Indexed _____
Filed _____

[redacted]

GRM

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62-2373-8

CV 62-2372

Re Bureau memorandum to Albany, 12-16-74, captioned "Procedures for Handling Civil Suits Involving FBI Personnel." Plaintiff's complaint setting out 26 points is being responded to as follows:

1. Sets out statutory jurisdiction and authority under Rule 65, Federal Rules of Civil Procedure.

2. Merely states [] is a resident of [] Fifth Congressional District.

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3. States DELBERT LATTA is Congressman for the Fifth District.

4. States Agents [] and [] work for the FBI at Toledo.

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5. States defendant, United States of America, is the government of the United States of America.

6. [] on April 14, 1975, informed Agents [] and [] that he is a [] and is employed as a [] [] [] [] []

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7. [] further informed Agents [] and [] that in about July, 1974, [] began shortening his runs and cutting his unloading pay because of "economics" according to the company, and this drastically decreased his wages, he considering this action by the company to be unjust and illegal and therefore he filed a grievance with [] in early March, 1975.

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8. [] stated that at the suggestion of [] he contacted Congressman DELBERT L. LATTA in an attempt to receive some assistance with his problem. His first contact with Mr. LATTA was stated to be on Friday, April 4, 1975, when he telephoned Mr. LATTA's residence in Bowling Green, Ohio, and discussed the matter with Mr. LATTA, who requested that Plaintiff reduce his complaint to writing and return it to him.

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9. [] states that on April 6, 1975, he delivered his written report setting further the specifics of his grievance against [] to Congressman LATTA at the Congressman's residence in Bowling Green. [] states he was told by Congressman LATTA on this occasion that he should not worry about the matter as he, Mr. LATTA, would take care of it.

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10. [] further informed Agents [] and [] that on the following Tuesday, April 8, 1975, he telephoned Congressman LATTA at LATTA's Washington, D.C. Office (not the Congressman's home as indicated in [] complaint). [] stated the purpose of this call was to inquire what action Congressman LATTA had accomplished thus far on [] behalf. [] states that initially, Congressman LATTA appeared not to recall [] name or [] grievance, and this caused [] to become upset with Congressman LATTA and accuse him of not being seriously concerned with his problem. [] states Congressman LATTA told him he was looking into the matter and the [] would be advised of the Congressman's findings shortly.

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11. [] advised Special Agents [] and [] that his situation with [] worsened following his April 8, 1975 telephone call to Congressman LATTA, to the point where he considered himself "all but fired." Consequently, on Friday, April 11, 1975, [] stated he again telephoned Congressman LATTA at the Congressman's residence in Bowling Green, Ohio. [] stated he informed Congressman LATTA of the latest developments in the matter and inquired as to what action the Congressman had taken and was taking on his behalf. The conversation between the two of them became heated at times according to [] and because he believed Congressman LATTA was not acting as promptly as he could and should, he told Mr. LATTA that he would take the matter to the news media and mention the Congressman's lack of attention and assistance. [] states he further informed Congressman LATTA that when the time came to vote again, he would remember "all the Congressman had done for him and his []

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CV 62-2373

12. On Saturday, April 12, 1975, Congressman DELBERT L. LATTA telephonically contacted the Cleveland Office of the FBI and provided information concerning his dealings with Plaintiff. Mr. LATTA advised that his purpose in calling the FBI was to report that while the Plaintiff had made no direct physical threats to him, he sincerely felt that because of Plaintiff's verbal statements and accusations, he questioned Plaintiff's inclination to respond to violent acts to accomplish the results he was seeking.

Following Congressman LATTA's telephone call on April 12, 1975, Agents [] and [] arranged for a personal meeting with [] and on April 14, 1975, did meet with him at the residence located at []

[] who resides on [] was present during this meeting between [] and Agents [] and []. Agent [] informed [] that Congressman LATTA had called the Cleveland Office of the FBI and informed them of his meeting and telephone conversations with the []. [] was further informed that [] had requested the Congressman's assistance in his grievance against his employer, []. [] was further informed that while Congressman LATTA had not alleged or accused [] of threatening physical harm against him, he was nevertheless concerned that [] may possibly be inclined to use violent means to achieve satisfactory resolution with his problem with []. During this meeting with the [] no more than fifteen minutes was devoted by the [] and Agents [] and [] in [] relating of his account of his meeting and telephone conversations with Congressman LATTA. The remainder of time during this meeting being used by Plaintiff in describing his grievance against his employer, [] and [] explaining his personal state of finances, which he termed on the verge of bankruptcy because of his employment situation with [].

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Agents [] and [] categorically deny that they at any time told [] that Congressman LATTA had alleged undue pressure against him by [] stated during this interview that in retrospect, he feels he possibly may have been unduly forceful in his request of Congressman LATTA and further stated that some of his statements and accusations may have been unfair to the Congressman; however, it was because of the [] need for immediate and appropriate action to his grievance.

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13. Agents [] and [] categorically deny any request or suggestion that [] refrain from informing the news media of this matter, nor that he should not have any further contact with Congressman LATTA about this or any other matter.

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14. [] does reside in [] and did state to Agents [] and [] he did contact Congressman LATTA wanting action on his behalf.

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15. There is no argument with the statement that a citizen has a right to contact his Congressman. The nature of [] contacts, his request for assistance and intervention has already been set out.

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16. Congressman LATTA has stated his purpose in contacting the FBI was because of his thoughts that [] might become violent. A denial of intent to curtail [] rights should more appropriately be responded to by Congressman LATTA.

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17. Agents [] and [] categorically deny any harassment of [] in their interview with him.

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18. Agents [] and [] have not caused any harm to [] and he has any remedy at law he previously had, and he is in no way being denied the right to contact his Congressman, nor was he at any time ever denied this right. [] was in no way ever harassed by the FBI, nor was there ever any intention of so harassing him.

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CV 62-2373

19. Agents [redacted] and [redacted] specifically deny any damages were caused to [redacted] exceeding \$10,000, and deny that any damages at all were caused to him by their actions which were in the scope of their employment.

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20. The Declaratory Judgement should be denied as Agents [redacted] and [redacted] contact with [redacted] was not in violation of his right of Petitioning.

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21. The request for an injunction should be denied, which injunction asks for an expunging of the records and enjoining Agents [redacted] and [redacted] from harassing [redacted] as [redacted] was never harassed nor will he ever be by Agents [redacted] or any other Agent of the FBI.

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22. Request a writ of mandamus issued against Congressman LATTA only.

Points 23 through 26. These points ask for monetary relief of \$15,000 compensatory damages; (24) \$100,000 in punitive damages and (25) reasonable attorney's fees, and (26) any and all appropriate relief.

F B I

Date: 5/15/75

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE NITEL
(Priority)

009

TO DIRECTOR **MAH**
 FROM CLEVELAND (62-2373) (P)
 ATTENTION: OFFICE OF LEGAL COUNSEL

[] VS DELBERT LATTA; SA []
 [] AND UNITED STATES OF AMERICA; DOCKET NUMBER
 C75-166; CIVIL SUIT; OO: CLEVELAND.

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REFERENCE CLEVELAND AIRTELS TO BUREAU, APRIL 24, 1975,
 MAY 6, 1975.

ASSISTANT UNITED STATES ATTORNEY (AUSA) []
 TOLEDO, OHIO, ADVISED MAY 15, 1975, THAT ON APRIL 23, 1975, HE
 FORWARDED A LETTER TO THE U.S. DISTRICT JUDGE (USDJ) ENCLOSING
 COPIES OF THE SUMMONS AND COMPLAINT IN THIS MATTER AND THAT IN
 RESPONSE HE HAS RECEIVED AUTHORIZATION TO REPRESENT DEFENDANTS
 IN THIS CASE. [] SAID HE WAS REQUESTED BY HARLAND F.
 LEATHERS, CHIEF OF GENERAL LITIGATIONS SECTION, CIVIL DIVISION,
 USDJ, TO OBTAIN AN ORDER FROM THE U.S. DISTRICT COURT, TOLEDO,
 FOR A 40-DAY EXTENSION IN WHICH TO ANSWER, AS SPECIAL AGENTS (SA)
 [] AND [] WERE ACTING WITHIN THEIR
 OFFICIAL CAPACITY AND ARE ENTITLED TO 60 DAYS TO RESPOND.

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[] SAID HE HAS SIGNED A MOTION WITH THE COURT FOR
 [] **TRM**

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b7C

SEARCHED TRM:SS
 INDEXED TRM
 APPROVED pc
 FILED pc
 Special Agent in Charge

Sent 7:25 PMPer SL

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

PAGE TWO CV 62-2373

AN EXTENSION OF TIME AND A FAVORABLE RULING WAS GIVEN MAY 15, 1975. HE SAID AN ORDER HAS BEEN ISSUED REQUIRING SAS [] [] TO GIVE A DEPOSITION TO [] COUNSEL AT TOLEDO AT 8:30 A.M., MAY 21, 1975, STATING HE WOULD BE PRESENT DURING THE TAKING OF DEPOSITIONS AND WOULD APPRECIATE THE PRESENCE OF SA [] LEGAL INSTRUCTOR ASSIGNED TO THIS CASE.

[] SAID THAT IN HIS OPINION THE THRUST OF THIS CASE BY [] IS AGAINST CONGRESSMAN DELBERT LATTA.

UNLESS ADVISED TO THE CONTRARY, SAS [] [] WILL ACCOMPANY AUSA [] AND DEPOSITIONS WILL BE GIVEN BY SAS [] AS ORDERED.

END

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b7cb6
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Approved: _____

Special Agent in Charge

Sent _____ M Per _____

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, CLEVELAND (62-2373) (P)

DATE: 5/18/75

FROM : SA [REDACTED]

SUBJECT: [REDACTED]

vs.

DELBERT LATTA:

SA [REDACTED]
[REDACTED]

CIVIL SUIT

On 5/15/75, USDCJ DON J. YOUNG, Toledo, Ohio, signed an order extending the time to June 20, 1975, when defendants in this suit must answer to the complaint filed by [REDACTED] on 4/22/75.

On 5/18/75, affidavits were prepared by SAS [REDACTED] and copies of same were forwarded to the Bureau, Attention of Legal Counsel Division, via telecopier. Additional copies being made for the Cleveland file.

62 - 2373 - 10

SEARCHED	INDEXED
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MAY 20 1975	
FBI - CLEVELAND	

2



5/20/75

AIRTEL

TO: DIRECTOR, FBI
ATTN. OFFICE OF LEGAL COUNSEL, SA [REDACTED]
FROM: SAC, CLEVELAND (62-2373)(P)

[REDACTED]

VS
DELBERT LATTA:
SA [REDACTED]
SA [REDACTED]

CIVIL SUIT, C 75-166

Re Cleveland airtel to the Bureau, 5/6/75.

Enclosed for the Bureau are three (3) copies each
of the affidavits of SA [REDACTED] and SA [REDACTED]
Cleveland Division.

2 - Bureau (Enc. 6)

2 - Cleveland

TRM/bms

(4)

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[REDACTED]

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62-2373-11

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Date: 5/20/75

Transmit the following in PLAINTEXT
(Type in plaintext or code)Via TELETYPE~~IMMEDIATE~~

(Priority)

URGENT

TO: DIRECTOR 4:30pm MAH
FROM: CLEVELAND (62-2373) (P)

ATTENTION: SA [] OFFICE OF LEGAL COUNSEL

[] VS. DELBERT LETTA; SA []

[] SA [] UNITED STATES OF AMERICA; DOCKET NUMBER
C 75-166; CIVIL SUIT; OO: CLEVELAND.

RE CLEVELAND TELETYPE TO THE BUREAU, MAY 15, 1975; AND
BUREAU TELEPHONE CALL TO TOLEDO, MAY 20, 1975.

AUSA [] TOLEDO, OHIO, ADVISED MAY 20, 1975,
HE HAD CONFERRED WITH []

AND AGREEMENT REACHED TO POSTPONE DEPOSITIONS INDEFINITELY.

[] MAY NOW ASK FOR INTERROGATORIES. NO DEFINITE DATE
SET.

THREE COPIES EACH OF AFFIDAVITS OF SRA JOHN J. BRENNAN,
SA [] AND SA [], ALL OF THE TOLEDO
RESIDENT AGENCY, BEING FORWARDED TODAY TO BUREAU, AIR MAIL,
SPECIAL DELIVERY, PER BUREAU'S REQUEST.

END

TRM/bms

(1) fms

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62-2373-10
JRM

Approved: _____
Special Agent in Charge

Sent 4:30pm M

Per []

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62-2373-13

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MAY 23 1975	
FBI-CLEVELAND	

62-2373-15

SEARCHED	INDEXED
SERIALIZED	FILED
MAY 20 1975	
FBI—CLEVELAND	

Assistant Attorney General
Civil Division

May 21, 1975

Director, FBI

[redacted] v.
DELBERT LATTA, et al.
(U.S.D.C., N.D. OHIO)
CIVIL ACTION NO. C 75 - 166

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This will confirm the conversations between Messrs. [redacted] and [redacted] of your Division and Special Agent [redacted] of our Legal Counsel Division regarding this suit. [redacted] has orally furnished the factual background of this matter to [redacted] and advised him that the two Special Agents who are defendants in this case desire to be represented by the Department.

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Special Agents [redacted] and [redacted] were served copies of the summons and complaint in this matter on April 22, 1975, at Toledo, Ohio.

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Enclosed are the originals of letters from Special Agents [redacted] and [redacted] directed to the Attorney General formally requesting representation by the Department. Also enclosed for your assistance is a letterhead memorandum, captioned with the full title of this suit, dated May 6, 1975, at Cleveland, Ohio, setting forth the background of this matter.

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From my review of the facts and the actions of the Special Agent defendants in this matter, it is apparent that they were acting within the scope of their duties as Special Agents of the FBI and I therefore recommend the Department afford them representation in this case.

Affidavits of the Special Agent defendants and their immediate supervisor are being prepared and will be furnished separately.

I understand that the Department intends to file a motion to dismiss in this case in the near future. In the event

① - Cleveland (62-2373)
(Bufile 62-New)

62-2373-16

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Assistant Attorney General
Civil Division

18.) The Federal defendants deny the allegations in this paragraph.

19.) The Federal defendants deny the allegation in this paragraph.

The remaining paragraphs pray for relief and require no answers.

Enclosures (3)

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, CLEVELAND (62-2373) (P)

DATE: June 26, 1975

FROM : SA [REDACTED]

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SUBJECT: [REDACTED]

VS.

DELBERT LATTA, ET AL, DEFS.

AUSA [REDACTED] Toledo, Ohio, advised on 6/26/75, that the Department of Justice had requested him to file a continuance with the USDC, Toledo which he did and which was granted by the Court. [REDACTED] stated that a motion to dismiss or in the alternative, a summary judgment, will be filed on or before July 3, 1975 by him.

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5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

62-2373-17

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FBI - CLEVELAND	

[REDACTED]

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NR040 WA PLAIN

7:25 PM URGENT 9/4/75 MEB

TO CLEVELAND (62-2373)

FROM DIRECTOR

[REDACTED] V. DELBERT LATTA, ET AL., (U.S.D.C., N.D.
OHIO) CIVIL ACTION NO. C-75-166.

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REBUTELCALL TO CLEVELAND (SA [REDACTED] TOLEDO RA),
SEPTEMBER 3, 1975.

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BY REFERENCED TELEPHONE CALL SA [REDACTED] WAS ADVISED
THAT ON SEPTEMBER 3, 1975, THE DEPARTMENT OF JUSTICE
ATTORNEY HANDLING CAPTIONED SUIT REQUESTED THE SA DEFENDANTS
PREPARE SUPPLEMENTAL AFFIDAVITS IN THIS MATTER ON AN EXPEDITE
BASIS. THESE AFFIDAVITS SHOULD ADDRESS ANY ALLEGATIONS IN
THE AFFIDAVITS OF THE [REDACTED] AND OF [REDACTED]
[REDACTED] WHICH WERE NOT ANSWERED IN THE
AFFIDAVITS PREVIOUSLY SUBMITTED. SA [REDACTED] IS IN POSSESSION
OF COPIES OF THE RECENT MEMORANDUM AND AFFIDAVITS FILED BY
THE [REDACTED]

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CLEVELAND SHOULD CAREFULLY REVIEW THE [REDACTED]
AFFIDAVITS TO IDENTIFY ANY ALLEGATIONS AGAINST THE SA

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62-2373-18

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[REDACTED]	
AND	

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PAGE TWO

DEFENDANTS NOT COVERED IN THE PREVIOUS AFFIDAVITS, AND
PREPARE THE SUPPLEMENTAL AFFIDAVITS. THE ORIGINAL
NOTARIZED AFFIDAVITS AND FOUR COPIES OF EACH SHOULD BE
FORWARDED BY AIR MAIL SPECIAL DELIVERY TO FBI HEADQUARTERS,
ATTENTION: LEGAL COUNSEL DIVISION, TO REACH THE BUREAU
ON OR BEFORE SEPTEMBER 8, 1975.

FOR YOUR ASSISTANCE IN PREPARATION OF THESE AFFIDAVITS,
A PRELIMINARY REVIEW OF THE [REDACTED] AFFIDAVITS BY
FBIHQ REVEALS THE FOLLOWING PARAGRAPHS CONTAIN ADDITIONAL
UNANSWERED ALLEGATIONS: [REDACTED] AFFIDAVIT,
PAGE SIX, PARAGRAPH THIRTEEN, AND PAGE SEVEN, PARAGRAPH
SIXTEEN; IN [REDACTED] AFFIDAVIT, PAGE THREE,
PARAGRAPHS EIGHT AND NINE.

END

SLO FBI CLEVELAND

CUL

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65-8373-19

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FBI - CLEVELAND	

Assistant Attorney General
Civil Division

September 8, 1975

Director, FBI

[redacted] v.
DELBERT LATTA, et al.
(U.S.D.C., N.D. OHIO)
CIVIL ACTION NO. C75-166

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By memorandum dated August 22, 1975, your reference RMRader:dpb 145-11-171, you furnished copies of [redacted] Memorandum in Opposition to Defendants' Motion to Dismiss or in the Alternative for Summary Judgment, as well as affidavits of the [redacted] and [redacted]. You requested that these documents be reviewed to ascertain if any issues raised therein should be answered by the submission of supplemental affidavits by the Special Agent defendants.

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After a review of the memorandum and affidavits filed by the [redacted] Special Agent [redacted] of our Legal Counsel Division discussed this matter with [redacted] of your Division on August 29, 1975. At that time it was concluded that supplemental affidavits would not be necessary. However, on September 3, 1975, [redacted] advised that after further reflection and reconsideration he felt it would be helpful to file supplemental affidavits to answer any additional allegations raised by the affidavits recently filed on behalf of the [redacted]. He requested these be furnished as expeditiously as possible. Our Cleveland Office has been requested to prepare and submit these affidavits, and they will be furnished to [redacted] immediately upon their receipt at FBI Headquarters.

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1 - Cleveland (62-2373)

62-2373-20

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Assistant Attorney General
Civil Division

[] also solicited any suggestions or comments from our Legal Counsel Division on the legal issues involved in this matter.

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A review of the Motion to Dismiss or in the Alternative for Summary Judgment, filed on behalf of the defendants, indicates that the doctrine of official immunity is the primary preliminary defense being relied upon to shield the Special Agent defendants. The [] memorandum in opposition to the Government's motion asserts that the Special Agents are not entitled to the protection of the official immunity defense as they were acting beyond the outer perimeter of their scope of authority.

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As an example of a case wherein law enforcement officers were denied the defense of official immunity the [] cites, inter alia, Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 456 F.2d 1339 (2d Cir. 1972), incorrectly cited in [] memorandum (Page 14) as a Tenth Circuit case. The Bivens court did not find that the Federal narcotics officers were acting outside the scope of their authority, but instead adopted a broad definition of scope of authority stating: "We believe that what is meant by the phrase 'within the outer perimeter of [an officer's] line of duty' is that the officer must have been acting in his role as a government officer. Here the duties of these defendants include making arrests in cases involving narcotics. They were doing just that." Id. at 1345. Having found that the officers were acting within the scope of their authority, the court then held that the officers were not entitled to the protection of the official immunity doctrine as they were not performing duties which required the exercise of discretion. The court went on to state, "We have concluded and now decide and hold that it is a principle of federal law that Agents of the Federal Bureau of Narcotics, and other federal police officers such as Agents of the FBI performing similar functions,

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Assistant Attorney General
Civil Division

while in the act of pursuing alleged violators of the narcotics laws or other criminal statutes, have no immunity to protect them from damage suits charging violations of constitutional rights." *Id.* at 1341. Thus, it appears that the Second Circuit intended to categorically deny the immunity defense to all Federal law enforcement officers.

The Sixth Circuit in [] v. Ferrigan, 459 F.2d 81 (1972), adopted the holding of the *Bivens* case on the issue of official immunity. However, rather than denying the existence of such an immunity the Court described it as, "a qualified one, in the nature of an affirmative defense" and said this immunity was available only if the officer acted in good faith with probable cause. *Id.* at 83. The [] case, not cited in the memorandum of either party to this suit, would appear significant as it involved a ruling on a Motion to Dismiss in a suit wherein the defendant was a Special Agent of this Bureau. It is suggested that the [] case can be distinguished from the captioned suit as it involved an allegedly improper arrest. In the captioned civil action [] was simply interviewed, in the presence of [] by two Agents. Additionally, the affidavits of the defendant Special Agents and their supervisor clearly establish that they acted in good faith and with a reasonable belief in the lawfulness of their actions. It would appear, even under the rationale of the [] case, that this affirmative defense has been properly asserted on behalf of the defendant Special Agents and, therefore, the Government's motion should be granted.

It is also worth noting that although, as pointed out above, the Second Circuit in *Bivens* appeared to have categorically denied the official immunity defense to Federal law enforcement officers, in a 1973 decision that same Court upheld a grant of official immunity to

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Assistant Attorney General
Civil Division

Special Agents of the United States Secret Service. Galella v. Onassis, 487 F.2d 986 (2d Cir. 1973). In attempting to distinguish its holding from an apparently contrary result in Bivens, the Court stated, "The issue in each case is whether the public interest in a particular official's unfettered judgment outweighs the private rights that might be violated." Id. at 994. It would appear that in the captioned case the public interest in having the FBI initiate a limited inquiry to determine if the plaintiff was contemplating some violent and illegal act directed against the Congressman or others would outweigh the plaintiff's right not to be contacted for a brief interview by this Bureau.

If by simply impugning the motives of the interviewing Agents a plaintiff can enlarge a routine investigative technique such as an interview into a violation of his First and Fourteenth Amendment rights, and by this tactic also strip the Federal officer of the preliminary defense of official immunity, the potential for frivolous and vexatious suits appears unlimited.

DIRECTOR, FBI
ATTN: SA [REDACTED]
OFFICE OF LEGAL COUNSEL

10/30/75

SAC, CLEVELAND (62-2373) (P)

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[REDACTED]
vs. DELBERT LATTA;
SA [REDACTED]
SA [REDACTED]
USA;
DOCKET #C 75-166
CIVIL SUIT
OO: CLEVELAND

Re Cleveland teletype to Bureau, 5/20/75.

Enclosed for the Bureau are three copies each of a Supplemental Memorandum in Support of Defendants' Motion to Dismiss and a Supplement to Motion to Dismiss...Filed with the USDC, Toledo by the USDJ, Washington, D.C. Also enclosed are three copies of a memorandum and order of USDCJ DON J. YOUNG, USDC, Toledo, denying defendants' motion for a protective order, filed with the Court on 9/22/75.

3 - Bureau (Enc. 9)
2 - Cleveland

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as of 3/23/76
Mass in
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[REDACTED]

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62-2373-21

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, CLEVELAND (62-2373)

DATE: 3/30/76

FROM : SA [REDACTED]

SUBJECT: [REDACTED]

VS DELBERT LATTA;

SA [REDACTED];

SA [REDACTED];

UNITED STATES OF AMERICA;

DOCKET NUMBER C75-166

CIVIL SUIT

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Assistant United States Attorney [REDACTED]
Toledo, Ohio, was contacted on this matter on March 26, 1976,
concerning the present status of this report. [REDACTED] advised
that the matter at the present time is awaiting action by the
United States District Court and there is nothing further that
can be done until the court decides what action to take.

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LEADS

CLEVELAND:

AT TOLEDO, OHIO

Will follow action by the court until this case is
disposed of.

TRM:jes

(2) *jes*

62-2373-24

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FBI - CLEVELAND	

[Handwritten signature]

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5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

DIRECTOR, FBI.
ATTENTION: SA [REDACTED]
OFFICE OF LEGAL COUNSEL
SAC, CLEVELAND (62-2373) (C)

4/2/76

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[REDACTED] vs.,
DELBERT LATTA;
SA [REDACTED]
SA [REDACTED]
USA;
DOCKET NO. C75-166
CIVIL SUIT
OO: Cleveland

Re Cleveland letter to Bureau, 10/30/75.

Enclosed for the Bureau are three copies each of
Judgement and Opinion & Order, filed with the United States
District Court by Honorable DON J. YOUNG, United States
District Judge, on March 26, 1976. Judge YOUNG ordered that
defendant's motion to dismiss be granted or in the alternative
summary judgement granted. Complaint dismissed with prejudice
as to all defendants. Cleveland Division considering this
matter closed.

3 - Bureau (Enc. 6) (RM)
1 - Cleveland

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(4)

Wk



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~~Case~~
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62-2373-25